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EXAMINER

DEAN, RAYMOND S

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2618

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/661,779

**Applicant(s)**

MAHONEN ET AL.

**Examiner**

RAYMOND S. DEAN

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-13, 16, 17, 19, 20 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-13, 16, 17, 19, 20 and 28 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 17, 28 have been considered but are moot in view of the new ground(s) of rejection.

Lunsford teaches a PDA that enables a user to operate said PDA in different non-synchronization related operation modes such as address book mode, memo mode, and calendar mode (See Col. 10 lines 4 – 6). It is well established in the art that conventional PDAs and mobile phones provide interface menus that enable users to select or choose desired operation modes such as calendar mode and address book mode thus one can logically conclude that the PDA of Lunsford provides an interactive menu that allows the user to select one of the above non-synchronization related operation modes out of the plurality of said non-synchronization related operation modes.

Kruglikov et al. (US 6,205,448), which also teaches synchronization of data between two computers, teaches an interface menu that enables a user to select a synchronization related operation mode from a plurality of synchronization operation modes (Cols. 6 lines 59 - 67, 7 lines 1 - 7, lines 46 – 57, different synchronization modes can be selected such as synchronization via a cradle, infrared port, and modem).

***Claim Objections***

2. Claims 5, 6 are objected to because of the following informalities: Please change "first mobile terminal device" to "first mobile device" in lines 2 - 3 of Claim 5 and Please change "first terminal device" to "first mobile device" in line 2 of Claim 6. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 7 - 11, 16 - 17, 19 - 20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of Kruglikov et al. (US 6,205,448) Doi et al. (5,978,919).

Regarding Claim 1, Lunsford teaches a method comprising: activating a user interface menu on a first mobile device in response to a first user input, said user interface menu comprising a plurality of non-synchronization related operation modes of the first mobile device (Cols. 2 lines 66 - 67, 3 lines 1 - 4, 10 lines 4 - 6, See also **Response To Arguments** set forth above), receiving a second user input for selecting one operational mode from among the plurality of operational modes in a first mobile terminal device (Col. 10 lines 4 - 6, See also **Response To Arguments** set forth

above), and wherein if a selected operation mode contains a command to perform an automated synchronization with a second mobile device the method further comprises checking availability of the second mobile device for performing the automated synchronization (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal is an indication of availability); and if the second mobile terminal device is available, performing said automated synchronization in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available) or if the second mobile terminal device is unavailable or becomes unavailable for synchronization, aborting said automated synchronization (Cols. 2 lines 66 – 67, 3 lines 1 – 4, lines 17 – 62, If a PDA is not connectable or available for synchronization there will be a non-acceptance of a request for synchronization thus aborting or ending the synchronization procedure).

Lunsford does not teach an interface menu comprising a plurality of synchronization related operation modes of the first mobile device.

Kruglikov, which also teaches synchronization of data between two computers, teaches an interface menu that enables a user to select a synchronization related operation mode from a plurality of synchronization operation modes (Cols. 6 lines 59 - 67, 7 lines 1 - 7, lines 46 – 57, different synchronization modes can be selected such as synchronization via a cradle, infrared port, and modem).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile devices of Lunsford with the above

synchronization features of Kruglikov for the purpose of providing a more versatile mobile device with the capability to conduct synchronization of data with other mobile devices and desktop personal computers.

Regarding Claim 16, Lunsford teaches a computer program product comprising a computer readable storage medium storing program code thereon for use by a mobile device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise processors that run program instructions or code thus enabling said PDAs to conduct various functions), said program code comprises: instructions for activating a user interface menu on the mobile device in response to a first user input, said user interface menu comprising a plurality of non-synchronization related operation modes of the mobile device (Cols. 2 lines 66 – 67, 3 lines 1 – 4, 10 lines 4 – 6, See also **Response To Arguments** set forth above), instructions for selecting one operational mode from among the plurality of operational modes in response to a second user input (Col. 10 lines 4 – 6, See also **Response To Arguments** set forth above), and wherein if a selected operation mode contains a command to perform an automated synchronization with another device the program code further comprises: instructions for checking availability of the second mobile device for performing the automated synchronization (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal is an indication of availability); and instructions for performing said automated synchronization in accordance with pre-defined synchronization settings, if the other device is available (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second

mobile terminal is available), or instructions for aborting said automated synchronization if the other device is unavailable or becomes unavailable for synchronization (Cols. 2 lines 66 – 67, 3 lines 1 – 4, lines 17 – 62, If a PDA is not connectable or available for synchronization there will be a non-acceptance of a request for synchronization thus aborting or ending the synchronization procedure).

Lunsford does not teach an interface menu comprising a plurality of synchronization related operation modes of the mobile device.

Kruglikov, which also teaches synchronization of data between two computers, teaches an interface menu that enables a user to select a synchronization related operation mode from a plurality of synchronization operation modes (Cols. 6 lines 59 - 67, 7 lines 1 - 7, lines 46 – 57, different synchronization modes can be selected such as synchronization via a cradle, infrared port, and modem).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile devices of Lunsford with the above synchronization features of Kruglikov for the purpose of providing a more versatile mobile device with the capability to conduct synchronization of data with other mobile devices and desktop personal computers.

Regarding Claim 17, Lunsford teaches an apparatus comprising: a user interface configured to receive user inputs (Cols. 2 lines 66 – 67, 3 lines 1 – 4, 10 lines 4 – 6, See also **Response To Arguments** set forth above, typical PDAs comprise user interfaces to receive user inputs), a display unit, configured to display a user interface menu in response to a first user input, said user interface menu comprising a plurality of non-

synchronization related operation modes of the apparatus (Cols. 2 lines 66 – 67, 3 lines 1 – 4, 10 lines 4 – 6, See also **Response To Arguments** set forth above), an operation mode module configured to select operation mode from the plurality of operation modes in response to a second user input (Col. 10 lines 4 – 6, See also **Response To Arguments** set forth above), a synchronization component, configured to determine if another apparatus is connectable and ready for synchronizing information stored in a data storage (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the fact that the second mobile device signals the acceptance to the first mobile device means that the second mobile device is connectable and ready); and a communication interface, configured to exchange synchronization related information with the other apparatus (Figure 1, Column 2 lines 45 – 51); wherein, if a selected operation mode contains a command to perform an automated synchronization with said other apparatus (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38), and if said other apparatus is determined to be connectable and ready for synchronization, in response to said command, said synchronization component is configured to perform said automated synchronization with said other apparatus via said communication interface, in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available), or if said other apparatus is or becomes not connectable or not ready for synchronization, said synchronization component is configured to abort said automated synchronization (Cols. 2 lines 66 – 67, 3 lines 1 – 4, lines 17 – 62, If a PDA



is not connectable or available for synchronization there will be a non-acceptance of a request for synchronization thus aborting or ending the synchronization procedure).

Lunsford does not teach an interface menu comprising a plurality of synchronization related operation modes of the apparatus.

Kruglikov, which also teaches synchronization of data between two computers, teaches an interface menu that enables a user to select a synchronization related operation mode from a plurality of synchronization operation modes (Cols. 6 lines 59 - 67, 7 lines 1 - 7, lines 46 - 57, different synchronization modes can be selected such as synchronization via a cradle, infrared port, and modem).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile devices of Lunsford with the above synchronization features of Kruglikov for the purpose of providing a more versatile mobile device with the capability to conduct synchronization of data with other mobile devices and desktop personal computers.

Regarding Claim 28, Lunsford teaches an apparatus, comprising: means for receiving user inputs (Cols. 2 lines 66 - 67, 3 lines 1 - 4, 10 lines 4 - 6, See also **Response To Arguments** set forth above, typical PDAs comprise user interfaces to receive user inputs); means for displaying a user interface menu in response to a first user input, said user interface menu comprising a plurality of non-synchronization related operation modes of the apparatus (Cols. 2 lines 66 - 67, 3 lines 1 - 4, 10 lines 4 - 6, See also **Response To Arguments** set forth above); means for selecting one operation mode from the plurality of operation modes in response to a second user

input (Col. 10 lines 4 – 6, See also **Response To Arguments** set forth above), means for checking availability of another apparatus for synchronization (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal is an indication of availability); and means for performing synchronization with the other apparatus in accordance with pre-defined synchronization settings (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38); wherein if one selected operation mode contains a command to perform an automated synchronization with the other apparatus (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38) and if the other apparatus is available, said automated synchronization is performed (Figure 2, Columns 3 lines 17 – 62, 4 lines 1 – 38, the acceptance of the request by the second mobile terminal implies that the second mobile terminal is available) or if said other apparatus is or becomes not connectable or not ready for synchronization, said automated synchronization is aborted (Cols. 2 lines 66 – 67, 3 lines 1 – 4, lines 17 – 62, If a PDA is not connectable or available for synchronization there will be a non-acceptance of a request for synchronization thus aborting or ending the synchronization procedure),

Lunsford does not teach an interface menu comprising a plurality of synchronization related operation modes of the apparatus.

Kruglikov, which also teaches synchronization of data between two computers, teaches an interface menu that enables a user to select a synchronization related operation mode from a plurality of synchronization operation modes (Cols. 6 lines 59 – 67, 7 lines 1 – 7, lines 46 – 57, different synchronization modes can be selected such as synchronization via a cradle, infrared port, and modem).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile devices of Lunsford with the above synchronization features of Kruglikov for the purpose of providing a more versatile mobile device with the capability to conduct synchronization of data with other mobile devices and desktop personal computers.

Regarding Claim 7, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said user input triggers a switching-on of said first mobile device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claim 8, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said user input triggers a switching-off of said first mobile device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

Regarding Claim 9, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said pre-defined synchronization settings comprise information relating to properties including at least one of a group comprising: information relating to specific data to be synchronized; information relating to specific applications of which data is to be synchronized; information about a type of synchronization; information relating to said second mobile device; authentication information; information relating to a communication connection to be used for synchronization; and information about an environment in which said automated synchronization is to be carried out (Column 3 lines 28 – 40).

Regarding Claim 10, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford further teaches wherein said automated synchronization is performed via a local communication connection (Column 2 lines 45 – 51).

Regarding Claims 11, 20, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claims 1, 17. Lunsford further teaches wherein said automated synchronization is performed in a device-to-device manner (Figure 1) and synchronization related information is exchanged via a local communication connection in a device-to-device manner (Figure 1).

Regarding Claims 19, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claims 17, 22. Lunsford further said user interface comprising a power on/off actuator for triggering a switching on and a switching off of said apparatus (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

5. Claims 4 – 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of Kruglikov et al. (US 6,205,448), as applied to Claim 1 above, and further in view of Doi et al. (5,978,919).

Regarding Claim 4, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford further switching off said first mobile device after completion of said synchronization (Column 2 lines 66 – 67, Column 3 lines 1 – 4,

typical PDAs comprise buttons to switch said PDAs on and off, a user can switch the PDA off after synchronizing with another PDA).

Lunsford in view of Kruglikov does not teach automatically switching of said first mobile device.

Doi, which also teaches a mobile communication device, teaches a command to automatically switch off a mobile device (Cols. 3 lines 1 - 3, 7 lines 17 - 19, lines 29 - 33, lines 60 - 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the PDAs of Lunsford in view of Kruglikov with the above application taught by Doi for the purpose of extending the battery life of the mobile communication device as taught by Doi.

Regarding Claim 5, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford in view of Kruglikov does not teach automatically switching of said first mobile device.

Doi, which also teaches a mobile communication device, teaches a command to automatically switch off a mobile device (Cols. 3 lines 1 - 3, 7 lines 17 - 19, lines 29 - 33, lines 60 - 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the PDAs of Lunsford in view of Kruglikov with the above application taught by Doi for the purpose of extending the battery life of the mobile communication device as taught by Doi.

Regarding Claim 6, Lunsford in view of Kruglikov and in further view of Doi teaches all of the claimed limitations recited in Claim 4. Lunsford further teaches wherein said activation comprises switching on said first terminal device (Column 2 lines 66 – 67, Column 3 lines 1 – 4, typical PDAs comprise buttons to switch said PDAs on and off).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of in view of Kruglikov et al. (US 6,205,448), as applied to Claim 1 above, and further in view of Hepper et al. (US 2003/0220966).

Regarding Claim 12, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford in view of Kruglikov does not teach wherein said automated synchronization is based on a synchronization markup language (SyncML) standard.

Hepper teaches synchronization based on a synchronization markup language (SyncML) standard (Section 0024 lines 1 – 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the SyncML standard of Hepper in the system of Lunsford in view of Kruglikov as an alternative means for providing synchronization thus providing a transport protocol for synchronization that is independent of the transport protocol.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al. (US 6,901,434) in view of Kruglikov et al. (US 6,205,448), as applied to Claim 1 above, and further in view of Oh et al. (US 6,865,400).

Regarding Claim 13, Lunsford in view of Kruglikov teaches all of the claimed limitations recited in Claim 1. Lunsford in view Kruglikov does not teach wherein said first mobile device is a cellular communication device.

Oh teaches a mobile device that is a cellular communication device (Column 3 lines 9 – 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PDA of Lunsford with the cellular phone circuitry of Oh for the purpose of providing a versatile multifunctional mobile device with diverse modes as taught by Oh.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Examiner, Art Unit 2618  
Raymond S. Dean  
April 24, 2009